IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

C.W.P. No: 231 of 2006

Date of decision: 1.1.2007

Sudesh Kumar **Petitioner**

Versus

State of H.P. and others **Respondents.**

Coram

The Hon'ble Mr. Justice Deepak Gupta, Judge.

The Hon'ble Mr. Justice Surinder Singh, Judge.

Whether approved for reporting?[1]

For the Petitioner: Mr.Neel Kamal Sharma, Advocate

For the Respondents: Mr.M.S.Chandel, Advocate General with Mr. R.M.Bisht, Deputy Advocate General.

Deepak Gupta, J.

This petition is directed against the order of the learned H.P. State Administrative Tribunal, dated 1.3.2006.

The brief facts relevant for disposal of the case are that the petitioner is a matriculate and has also obtained 2 year diploma in Pharmacy. The petitioner's grievance is that he has not been sponsored by the Employment Exchange for the post of Pharmacist. The

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[1] ***Whether the reporters of the local papers may be allowed to see the Judgment?***

reply of the respondents is that as per the Recruitment and Promotion Rules for the post of Pharmacist notified in September, 2001, the essential qualifications are 10+2 in Science or its equivalent from a recognized University and a bachelors degree or diploma in Pharmacy or its equivalent from a recognized University.

The main grievance of the petitioner is that at the time when he obtained his diploma in Pharmacy, the existing rules at that time provided minimum qualification of matriculation. The petitioner submits that he is to be governed by earlier rules and the rules could not have been amended to his detriment. There is no merit in the contention of the petitioner. The posts are being filled up in the year 2006. Obviously, the essential qualifications as applicable in the year 2006 will have to be applied. These essential qualifications, as stated above, provide that the applicant should not only have diploma/degree in Pharmacy, but should also have minimum educational qualification of 10+2 with Science. It has not been shown to us that the minimum qualification prescribed is in any way arbitrary or illegal. Merely because under the earlier rules the minimum qualification was matriculation is no ground to hold that the petitioner should be governed by

the earlier rules. The writ petition is without any merit and is dismissed.

(Deepak Gupta), J.

January 1, 2007(K) (Surinder Singh), J.